

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Decision by Court.

This action came before the Honorable James C. Fox, Senior United States District Judge, for ruling as follows:

IT IS ORDERED, ADJUDGED AND DECREED pursuant to the court's order dated 4/2/2015 Plaintiffs Motion to Amend [DE-14] is DENIED as futile. The Government's Motion to Dismiss [DE-11] is ALLOWED as to any medical malpractice claims asserted by Plaintiff, but DENIED as to Plaintiffs claim sounding in ordinary negligence.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Government's Motion for Summary Judgment [DE-36] is ALLOWED and the Motion for Non-Jury Trial [DE-56] is DISMISSED as moot.

This Judgment Filed and Entered on May 31, 2016, and Copies To:

Cedric R. Perry (via CM/ECF Notice of Electronic Filing)
Kimberly A. Moore (via CM/ECF Notice of Electronic Filing)

DATE
May 31, 2016

JULIE RICHARDS JOHNSTON, CLERK
/s/ Susan K. Edwards
(By) Susan K. Edwards, Deputy Clerk